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6 Attorneys for Defendants
7 RECONTRUST COMPANY, N.A.;
8 MORTGAGE ELECTRONIC
8 REGISTRATION SYSTEMS, INC.;
9 THE BANK OF NEW YORK MELLON
9 FKA THE BANK OF NEW YORK AS TRUSTEE
FOR THE BENEFIT OF THE
10 CERTIFICATEHOLDERS CWMBS, INC. CHL
MORTGAGE PASS-THROUGH TRUST 2005-2
11 MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2005 2;
12 AMERICA'S WHOLESALE LENDER;
COUNTRYWIDE HOME LOANS, INC.;
13 AND BAC HOME LOANS SERVICING, LP

14 UNITED STATES BANKRUPTCY COURT
15 NORTHERN DISTRICT
16 SAN JOSE DIVISION

17 IN RE KIMBERLY COX, Case No.: 5:10-bk-61716
18 Debtor. Chapter 7

19 Adversary No.: 5:11-ap-05106

20 IN RE KIMBERLY COX, **NOTICE OF HEARING ON MOTION**
21 Plaintiff, **TO DISMISS FOR LACK OF**
22 vs. **STANDING, FOR LACK OF SUBJECT**
23 RECONTRUST COMPANY, N.A. ET. AL., **MATTER JURISDICTION, FOR**
24 Defendants. **ABSTENTION, AND FOR FAILURE**
25 **TO STATE A CLAIM UPON WHICH**
26 **RELIEF MAY BE GRANTED**

27 Date: June 10, 2011
28 Time: 2:00 P.M.
Ctrm: Courtroom 3070
Place: 280 South First Street
San Jose, CA

Judge: Hon. Charles Novack

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on June 10, 2011 at 2:00 p.m., in Courtroom 3070 of the
3 above-entitled United States Bankruptcy Court located at 280 South First Street, San Jose,
4 California, Defendants Recontrust Company, N.A. (“Recontrust Company”); Mortgage
5 Electronic Registration Systems, Inc. (“MERS”); The Bank of New York Mellon FKA The Bank
6 of New York as Trustee for the Benefit of the Certificateholders CWMBS, Inc. CHL Mortgage
7 Pass-Through Trust 2005-2 Mortgage Pass-Through Certificates, Series 2005 2 (“Bank of New
8 York Melon”); America’s Wholesale Lender; Countrywide Home Loans, Inc. (“Countrywide”);
9 and BAC Home Loans Servicing, LP (“BAC Home Loans”), will move this Court to dismiss the
10 complaint filed by Plaintiff Kimberly Cox, (“Plaintiff”).

11 This motion is based on this notice, the accompanying memorandum of points and
12 authorities, as well as the complaint and all other records on file in this action, and any further
13 briefs, evidence, authorities, or argument presented before or at the hearing of this motion.

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15 DATED: May 13, 2011

Respectfully submitted,

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SEVERSON & WERSON
A Professional Corporation

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By: /s/ Bernard J. Kornberg
Bernard J. Kornberg

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Attorneys for Defendants
RECONTRUST COMPANY, N.A.;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
THE BANK OF NEW YORK MELLON fka
The Bank of New York as Trustee for the
Benefit of the Certificateholders CWMBS, Inc.
CHL Mortgage Pass-Through Trust 2005-2
Mortgage Pass-Through Certificates, Series
2005 2; AMERICA’S WHOLESALE
LENDER; COUNTRYWIDE HOME LOANS,
INC.; and BAC HOME LOANS SERVICING,
LP